

MANDATE

United States Court of Appeals For the First Circuit

04-10537
Massachusetts
N. Gorton

No. 06-1290

JUNE NURSE,
Plaintiff, Appellant,
v.
SINGER & SERGER CENTER,
Defendant, Appellee.

Before

Torruella, Lynch and Lipez,
Circuit Judges.

JUDGMENT

Entered: January 19, 2007

After allowing this pro se appellant to proceed *in forma pauperis* and giving her an opportunity to show cause why the action should not be dismissed for lack of jurisdiction, the district court dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), in an Order dated November 18, 2004. Plaintiff-appellant June Nurse did not file a notice of appeal from that dismissal. Instead, she filed a "Motion for New Trial/Hearing" on January 5, 2006, which the district court denied in an electronic order on January 11, 2006. This appeal is timely only as to the denial of that motion. We construe Nurse's "Motion for New Trial/Hearing" as pursuant to Fed. R. Civ. P. 60(b), and review the district court's denial of that motion for abuse of discretion. See Blanchard v. Cortés-Molina, 453 F.3d 40, 44 (1st Cir. 2006). Appellant has failed to demonstrate that any abuse of discretion occurred here. The district court's denial of the "Motion for New Trial/Hearing" is affirmed.

By the Court:

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Deputy Clerk

Date: 2-21-07

[cc: June Nurse]